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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 27, 2019

SEAN F. McAVOY, CLERK

7 RYAN S.,

No. 1:18-CV-3161-JTR

8
9 v.

10 COMMISSIONER OF SOCIAL
11 SECURITY,

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

12 Defendant.
13

14 **BEFORE THE COURT** is the parties' stipulated motion to remand the
15 above-captioned matter to the Commissioner for additional administrative
16 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 21.

17 Attorney D. James Tree represents the claimant; Special Assistant United States
18 Attorney Lars Joseph Nelson represents Defendant. The parties have consented to
19 proceed before a magistrate judge. ECF No. 3. After considering the file and
20 proposed order, **IT IS ORDERED:**

21 1. The parties' Stipulated Motion for Remand, **ECF No. 21**, is
22 **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the
23 Commissioner of Social Security for further administrative proceedings pursuant to
24 sentence four of 42 U.S.C. § 405(g).

25 On remand, the administrative law judge (ALJ) shall: (1) remove any
26 evidence that does not pertain to the claimant from the administrative record; (2) if
27 necessary, take any further action needed to complete the administrative record,
28 including obtaining evidence from a medical expert to clarify the nature, severity,

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 and effects of the claimant's mental impairments; (3) offer the claimant the
2 opportunity for a hearing; and (4) issue a new hearing decision, without reference
3 to any evidence which does not pertain to the claimant. The claimant may present
4 additional testimony, submit additional evidence, and raise and pursue additional
5 issues.

6 2. **Judgment shall be entered for PLAINTIFF.**

7 3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is
8 **STRICKEN AS MOOT.**

9 4. An application for attorney fees and costs may be filed by separate
10 motion.

11 The District Court Executive is directed to enter this Order, forward copies
12 to counsel, and **CLOSE THE FILE.**

13 DATED March 27, 2019.



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A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE